

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Case No.: 05-10098 DPW

DIRECTV, )  
Plaintiff )  
v. )  
ROBERTO PEREZ, )  
Defendant )

**AFFIDAVIT OF ROBERTO PEREZ IN SUPPORT  
OF MOTION TO REMOVE DEFAULT**

I, ROBERTO PEREZ, being first duly sworn and based upon personal knowledge hereby state as follows:

1. My name is Roberto Perez and since August, 2004 to the present date I have resided at 215 McMahon Street in Fall River, Massachusetts 02721 with my Wife, Lizbeth Rivera.

2. On or about April 7, 2005 my mother, Ivonne Quinones, gave me an envelope from the United States District Court, Office of the Clerk, John Joseph Moakley Courthouse, One Courthouse Way, Suite 2300, Boston, Massachusetts 02210 which was addressed to Roberto Perez, 132 Harrison Street, 1R, Fall River, Massachusetts which had been forwarded to Roberto Perez at 85 Sunset Hl., Fall River, MA 02724-3743.

Upon receiving this envelope, I learned for the first time that an Order of Default Judgment had been entered against me in the above-captioned matter.

3. I have not resided at 132 Harrison Street in Fall River, Massachusetts since July, 2002. Since moving to 215 McMahon Street, Fall River, Massachusetts, I have changed my address to reflect my current address since November 13, 2004. A copy of correspondence dated September 13, 2004 from the Commonwealth of Massachusetts Registry of Motor Vehicles is attached hereto as Exhibit A.

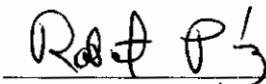
4. On or about May 10, 2000 I was the victim of a carjacking incident and was shot in the back. As a result of that incident I was left with a spinal cord injury which rendered me a paraplegic and I have been unable to be gainfully employed since that time. My sole source of income is my Supplemental Security Income from the United States Social Security Administration. Those payments have been made to me since fall 2004. A copy of correspondence from the Social Security Administration dated November 28, 2004 is attached hereto as Exhibit B.

5. After receiving the Order of Default Judgment, I contacted Attorney Raymond Sayeg as Spanish is my primary language and I am unfamiliar with Civil Legal Proceedings. After learning what Default Judgment was, I contacted the members of my family, including my mother, Ivonne Quinones and confirmed that at no time had legal papers ever been served upon members of my family. Further, I confirmed that the correspondence which my mother received on or about April 7, 2005 was the first notice that we had received of any legal proceedings had been filed against me.

6. After speaking with Attorney Sayeg initially, I borrowed money from friends and family, as well as used a portion of my Social Security Statement to retain Attorney Sayeg in order to remove this Default. Given that I was never served with legal documents, nor were they sent to the correct address, in addition to a good and meritorious defense as I have to the underlying action, I am requesting that this Court remove the Default Judgment and allow me to defend in this action.

7. Spanish is my primary language and this document has been interpreted to English.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON 11  
DAY OF May, 2005



Roberto Perez



**The Commonwealth of Massachusetts**  
**Registry of Motor Vehicles**  
**One Copley Place, 1st Floor, Boston, MA 02116**  
**www.mass.gov/rmv**

Kimberly Hinden  
Registrar

MAILED MAIL: 00  
P.O. Box 199100  
Boston, MA 02119-9100

MAILED MAIL: 00  
P.O. Box 199100  
Boston, MA 02119-9100

**ROBERTO PEREZ**  
**215 MCMAHON ST**  
**FALL RIVER, MA 02721**

09/13/2004

Dear RMV Customer:

Thank you for changing your address with the Registry of Motor Vehicles. Your address has been updated on our system per your request.

An address change has been made for the person listed above. Enclosed, please find four pre-printed address change labels. These labels are for this person only and cannot be used for others in the same household. If they have not yet done so, they must report their change of address to the RMV.

If any of this information is not correct or you have any questions please call the Telephone Center at 617-351-4500 (within 339/617/781/857) or 1-800-858-3926 (within 351/413/508/774/978) from 9:00am to 5:00pm, Monday - Friday, except holidays, and a customer service representative will assist you.

Instructions: Please peel and attach one label to the back of your license or ID card. The remaining labels are for your vehicle registration(s). Do not use this label on a leased vehicle registration.

Thank you.

A handwritten signature in black ink that reads "Kimberly Hinden".

Kimberly Hinden, Registrar

label → 215 MCMAHON ST  
FALL RIVER, MA 02721

label → 215 MCMAHON ST  
FALL RIVER, MA 02721

label → 215 MCMAHON ST  
FALL RIVER, MA 02721

label → 215 MCMAHON ST  
FALL RIVER, MA 02721

**SOCIAL SECURITY**  
**400 NORTH MAIN ST**  
**FALL RIVER MA 02720**

**Social Security Administration**  
**Supplemental Security Income**  
**Notice of Change in Payment**

Date: November 28, 2004  
 Claim Number: 079-60-3207 DI

042  
**ROBERTO PEREZ**  
**215 MCMAHOM ST**  
**FALL RIVER MA 02721**

We are writing to tell you about changes in your Supplemental Security Income payments. The rest of this letter will tell you more about this change.

We explain how we figured the monthly payment amounts shown below on the last page(s) of this letter. The explanation shows how your income, other than any SSI payments, affects your SSI payment. It also shows how we decided how much of your income affects your payment amount. We include explanations only for months where payment amounts change.

**Information About Your Payments**

- The amount due you beginning January 2005 will be \$473.58. This amount includes \$87.58 from the State of Massachusetts.
- The amount due you is being raised because the law provides for an increase in Supplemental Security Income payments in January 2005 if there was an increase in the cost-of-living during the past year.

**Your Payment Is Based On These Facts**

Our records show that the following income used to figure your payment has also changed--

The food and shelter you receive in someone else's home or apartment for November 2004. We are raising the amount we count for this food and shelter to \$193.00 beginning January 2005. The law requires this change when there is a cost-of-living increase in SSI payments.

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Defendant )

**AFFIDAVIT OF IVONNE QUINONES IN SUPPORT  
OF MOTION TO REMOVE DEFAULT**

I, IVONNE QUINONES, being first duly sworn and based upon personal knowledge hereby state as follows:

1. My name is Ivonne Quinones and I am the mother of Roberto Perez.
2. I currently reside at 85 Sunset Hill, Fall River, Massachusetts 02724.
3. I have personal knowledge and do hereby state that from August, 2004 to the present time, my son and his wife have resided at 215 McMahon Street, Fall River, Massachusetts 02721.
4. On or about April 7, 2005, I received an envelope from the United States District Court in Boston and addressed to Roberto Perez at 132 Harrison Street, 1R, Fall River, Massachusetts which had been forwarded to 85 Sunset Hl., Fall River, Massachusetts 02724-3743. I gave that envelope to my son at that time.
5. That was the first and only document I have ever received from the Court, or any lawyer or company regarding the above-captioned matter. Prior to receiving this envelope on or about April 7, 2005, I had never received any papers or mail for Roberto Perez regarding a lawsuit or other legal action by DIRECTV.
6. Spanish is my primary language and this document has been interpreted to English.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON 11 DAY OF  
May, 2005

  
Ivonne Quinones